

HOUSE No. 2922

By Mrs. Poirier of North Attleborough, petition of Elizabeth A. Poirier relative to establishing multi-disciplinary teams with district attorneys to investigate elder abuse. Elder Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ESTABLISHING MULTI-DISCIPLINARY TEAMS WITH DISTRICT ATTORNEYS TO INVESTIGATE ELDER ABUSE.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is forthwith to stop elder abuse, there-
3 fore it is hereby declared to be an emergency law, necessary to the
4 immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 15 of chapter 19A of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by adding the
3 following subsection:—

4 (g) The area director shall promptly advise the department and
5 protective service agency along with the opinion of the director,
6 evidences a pattern of abuse or neglect or an ongoing problem in
7 need of attention.

8 Subsequently, the director of the appropriate council on aging
9 shall, in cooperation with the department and the appropriate dis-
10 trict attorney, establish one or more multi-disciplinary service
11 teams to review the provisions of services to the persons, their
12 families or responsible parties who are the subject of such reports.
13 Such teams shall consist of 1 representative of the agency who
14 shall be the caseworker for the particular case, 1 representative of
15 the appropriate district attorney, 1 representative of the appro-
16 priate council on aging and at least 1 other member who is not an
17 employee of any such office, who shall be appointed by the
18 department. The additional member shall have training and expe-

19 rience in the fields of elder abuse, the provision of care to the
20 elderly or criminal justice and, as far as practicable, be involved
21 with the provision of services to such families. No members of
22 such team shall receive any compensation, or in the case of a state
23 employee, any additional compensation, for service on such team.

24 Such team shall review, evaluate and monitor the services pro-
25 vided to the person named in the report in regard to their effec-
26 tiveness in protecting the person and their family from further
27 abuse or neglect. Such team shall make recommendations
28 regarding changes or additions to the services provided, the advis-
29 ability of prosecuting members of the family or responsible party
30 or parties and the possibility of utilizing diversionary alternatives.

31 Such multi-disciplinary service team shall have full access to
32 any data known to the protective service agency which is directly
33 related to the provision of services to the persons named in the
34 report, notwithstanding any other general or special to the con-
35 trary. The members of such team shall be considered employees
36 of the protective service agency for the purposes of protecting the
37 confidentiality of such data and such data shall be utilized solely
38 to carry out the purposes of this section, provided, however, that
39 such team may report to such district attorney the information that
40 the family or responsible party or parties have failed to participate
41 in the provision of such services.

42 Each team shall file a monthly report with the secretary of elder
43 affairs regarding the activities which have occurred in the pre-
44 vious month pursuant to this section. Such report shall be written
45 on a form prescribed by said secretary. Said secretary after
46 deleting all personal identifying information, shall combine these
47 reports into one monthly report which shall be filed with the secre-
48 tary of health and human services, each district attorney, the joint
49 committee on human services and elderly affairs, and the house
50 and senate committees on ways and means.